

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHARLES LEE MOORE II,

Plaintiff,

v.

LT. PANTOJA et al.,

Defendants.

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Case No. CIV-15-688-HE

ORDER

This matter is before the Court on the pro se Plaintiff's second motion to compel. *See* Pl.'s Mot. (Doc. No. 52) at 1. Specifically, Plaintiff asserts that Defendant Pantoja, who is the sole remaining defendant in this case, refuses to "directly and fully" answer ten interrogatories that Plaintiff believes are relevant to his claim. *Id.* at 1, 2. Plaintiff certifies that he has attempted in good faith to "confer[] with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1); *see* Pl.'s Mot. at 2-3.

Plaintiff has not provided the Court with a copy, or at least an adequate description, of his proffered interrogatories and Defendant's allegedly incomplete responses. *See, e.g.,* Pl.'s Mot. at 2 ¶ 12 ("Defendant Pantoja can answer to the extent that he has personal knowledge (Interrogatory #8). For example, was Defendant Pantoja interviewed himself."). Without this information, the Court cannot determine whether Defendant Pantoja can be compelled to produce the discovery that Plaintiff seeks. *See generally Witt v. GC Servs. Ltd. P'ship*, 307 F.R.D. 554, 559-71 (D. Colo. 2014); Fed. R. Civ. P. 26(b)(1),

33(a)-(b), 37(a). Moreover, some of Plaintiff's interrogatories appear to seek information that is not relevant to Plaintiff's sole remaining claim that Defendant Pantoja physically assaulted Plaintiff on November 24, 2014. *See* Pl.'s Mot. at 2 ¶ 13 ("Defendant Pantoja can answer whether female staff were present for the strip search of Plaintiff during the cell search (Interrogatory #9)."). Accordingly, Plaintiff's second motion to compel discovery responses (Doc. No. 52) is DENIED without prejudice to refiling.

IT IS SO ORDERED this 8th day of March, 2017.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE